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# B I L L

To encourage the Sea Fisheries of Ireland, by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours and other Works.

[Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

**W**H **H**EREAS it is necessary for the encouragement and pro-  
motion of the Deep Sea Fisheries of Ireland, as a source of  
employment and food, to provide Funds, partly by way of Grant and  
partly by way of Loan, for the construction or repair of small harbours,  
piers, quays and landing-places, and other works in connexion there-  
with, or of a like nature, and to establish a system whereby the co-  
operation of parties interested may be obtained for securing the  
repayment (by instalments or otherwise) of such portion of such Funds  
as shall be advanced by way of Loan for the said purposes :

Preamble.

And whereas it is expedient, with a view to prevent delay and  
expense as to inquiry into the titles of, and incumbrances upon, the  
estates of parties interested in or benefited by such works, to define  
and declare the mode in which the repayment of such sums so lent  
shall be secured :

And whereas it is expedient that provision be made for the  
repair, maintenance or improvement of such small harbours, piers,  
quays and landing-places, and other such works as at present exist,  
which may be useful for Fisheries, or which have been wholly or in part  
constructed with Public Money, advanced for the purposes of the im-  
provement of the Fisheries of Ireland, and for the maintenance of which  
there are now no specific funds ; and it is expedient that the necessary

15.

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provisions

Consolidation.

provisions for such purposes be consolidated into and contained in one Act ;

1.  
Appointment  
of Commis-  
sioners.

8 & 9 Vic., c.  
108.

2.  
Powers of  
Commissioners.

1 & 2 W. 4,  
c. 33.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 5 and by the Authority of the same, THAT the Commissioners of Public Works in Ireland for the time being, shall be Commissioners for the execution of this Act ; and that it shall and may be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under the hands of any Three 10 or more of them, if they shall so think fit, to appoint, during pleasure, the person who for the time being shall be a Commissioner of Fisheries, appointed by the Commissioners of Her Majesty's Treasury, under an Act passed in the last Session of Parliament, intituled, " An Act for the further Amendment of an Act of the Sixth Year of Her present 15 Majesty, for regulating the Irish Fisheries," to be associated with the said Commissioners of Public Works for the time being, and with them to be a Commissioner for the execution of this Act ; and all and every the powers and authorities by this Act given to or vested in the said Commissioners for the execution of this Act, may be exercised by 20 any Two or more of them.

And be it Enacted, That all and every the like powers and authorities and privileges, in and by an Act of the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, 15 " An Act for the Extension and Promotion of Public Works in Ireland," or any Act or Acts amending the same, vested in or given to the said Commissioners of Public Works for the purposes of said recited Acts, shall be vested in, given to and used and exercised by the Commissioners for the execution of this Act ; and the said Commissioners for the execution of this Act may and shall in all cases sue and be 30 sued in the name of the Secretary of the Commissioners of Public Works in Ireland for the time being, for and on behalf of the said Commissioners for the execution of this Act ; and that in all indictments, or criminal or civil proceedings, the name " Commissioners of Public Works in Ireland," shall be a sufficient description of the said 35 Commissioners for the execution of this Act ; and that no such action or suit at law or in equity, shall abate or be discontinued by the death or removal of such Secretary ; and such Secretary for the time being shall be deemed the plaintiff or defendant in such action or suit, as the case may be ; and the several provisions in the said recited Acts con- 40 tained, as to actions or suits brought or instituted by or against the said Commissioners of Public Works, and the proceedings therein, shall extend and be applied to any action or suit brought or instituted by or against the Commissioners for the execution of this Act.

And

And be it Enacted, That it shall and may be lawful for the Commissioners for the execution of this Act, by and with the consent and approbation of the Commissioners of Her Majesty's Treasury, for the purposes of this Act, to make advances by way of grant, to an amount not exceeding in the whole the sum of Fifty thousand Pounds, and for the said Commissioners of Her Majesty's Treasury to cause to be issued, from time to time as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding in the whole the said sum of Fifty thousand Pounds, to be applied to the purposes of this Act, in the manner and on the conditions hereinafter mentioned and specified concerning the same.

3.  
Grants may be made by the Treasury not exceeding 50,000*l.* for the purposes of this Act.

And be it Enacted, That the conditions upon which any such Grants as aforesaid, under the provisions of this Act, shall be made, shall be as follows; (that is to say)

4.  
Conditions of such grants.

First. That any such Grants may be made for constructing, erecting or making, reconstructing, repairing or improving, on or near the sea-coast of Ireland, such small harbours, piers, quays, landing-slips or places, and roads of approach thereto respectively; and such navigable cuts through shoals, or for connecting adjacent bays or inlets, and such engines, beacons or small harbour-lights and other works of a like nature respectively, as the said Commissioners shall deem necessary or useful for the encouragement and promotion of the Sea Fisheries of Ireland:

Second. That such works shall be executed, constructed, maintained and kept in repair, by and under the directions of the said Commissioners for the execution of this Act, and such works shall, with any lands purchased or acquired under the provisions of this Act, be deemed and taken to be public property, and be for that purpose absolutely vested in the said Commissioners and their successors:

Third. That any Grant for any one such work shall not exceed in the whole the sum of *Five thousand Pounds*:

Fourth. That the amount of any such Grant shall not exceed *Three-fourths* of the total actual cost of any such work, and that such grant shall be made only upon the condition that the repayment of the residue of the total actual cost of such work, with interest, shall be secured, or agreed to be secured, by the county, district or proprietors of lands, which or who as hereinafter directed, ought in the opinion of the said Commissioners to provide for securing the same.

Loans.

And be it Enacted, That in all cases of grants of money, under the provisions of this Act, for defraying a portion of the total actual cost

5.  
Loans to be made by the Commissioners of Public Works

to defray  
the residue of  
the cost of  
works.

of such works, the amount of the residue of such cost shall, with the approval of the Commissioners of Her Majesty's Treasury, be supplied and advanced out of any monies applicable to loans at the disposal of the said Commissioners of Public Works, under the provisions of the said recited Act, or any Act or Acts amending the same, and the repayments of such residue so lent and advanced, with interest thereon, at such rate as the said Commissioners of the Treasury shall approve, shall be received and recovered in such manner as hereinafter provided, and when so received or recovered, shall be paid over and applied, as by the said first-recited Act, or any Act or Acts amending the same, repayments of Loans for Public Works are directed to be paid over and applied.

Preliminary  
Proceedings.

6.

Application  
by memorial  
for the execu-  
tion of works.

And be it Enacted, That it shall and may be lawful for any person residing, or being proprietor or occupier of land in any district or place adjacent to the sea-coast of Ireland, to apply by memorial to the said Commissioners, stating the advantage of, or the necessity for the construction of any such work as aforesaid, or the improvement of any such existing work, and praying that such district or place may be examined, and such works or such other works in lieu thereof as the Commissioners shall deem fit, may be executed under this Act; and by such memorial undertaking, in the event of any such works or other works in lieu thereof not being duly approved of, or proceeded with by the said Commissioners, to defray the expenses of any preliminary survey and examination which may be requisite; and the said Commissioners shall cause to be entered in a book to be by them for that purpose provided, a list of all such applications as shall be made to them by memorial as aforesaid, with the particulars of each case, and the principal proceedings thereon.

7.

Preliminary  
survey, &c.  
to be made.

And be it Enacted, That on the receipt of any such memorial as aforesaid, it shall be lawful for the said Commissioners, if they shall so think fit, to order a survey or examination to be made of such district or place, and a report, plan and estimate of the necessary work, and the costs thereof, to be prepared, or to adopt any existing survey, report, plan or estimate concerning the same, and without being limited to any proposition contained in any such memorial, or to the district or place described in any such memorial, to select and determine in case of new works, the site, position and plan thereof, or in the case of existing works, the mode of improvement thereof, which respectively, under all the circumstances of the case, shall, in their opinion, be best suited to the wants of such place, or to the purposes of this Act, in respect to that part of the sea-coast in or near to which such district or place shall be situated.

And

Commissioners, &c., may enter lands for the purposes of survey or inquiry.

5 & 6 Vict.,  
c. 89, s. 9.

And be it Enacted, That for the purposes of any inspection, survey or inquiry, directed or necessary under any of the provisions of this Act, it shall be lawful for the said Commissioners, by themselves, their surveyors, engineers, agents, officers or workmen, to enter upon  
5 any lands or premises in or adjacent to which it is proposed that any works shall be executed under this Act, and, if necessary, to dig or bore therein, and also to examine any existing works which it shall seem to them to be necessary to examine, and to make any soundings, or bore the bed or channel of any river, making reasonable compensation  
10 for any damage done thereby; and the amount of such compensation, in case of dispute, shall be ascertained by Two or more Justices of the Peace at Petty Sessions in or for the district wherein any such damage shall be committed, and they are hereby authorized and required to inquire into and determine same, and for that purpose to examine on  
15 oath or otherwise, all such witnesses as shall be produced before them, and to make such order as to them shall seem just for the payment of the amount of such damage by the Commissioners to the party aggrieved, which said order shall be final and conclusive: Provided always, That the said Commissioners, their surveyors,  
20 engineers, agents, officers and workmen, may enter upon such lands as aforesaid, and do all necessary matters and things by this Act authorized, previously to or pending the decision of such Justices.

The Commissioners of the Treasury may make temporary advances to the Commissioners under this Act for the expenses of preliminary inquiries.

And be it Enacted, That it shall be lawful for the Commissioners  
25 of Her Majesty's Treasury, or any Three or more of them, to cause to be issued as a temporary advance, from time to time as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding in the whole the sum of Two thousand  
30 Pounds in any One year, by way of imprest, to the said Commissioners for the execution of this Act, to be by them applied in providing for the expenses of procuring and prosecuting any such preliminary examinations or inquiries as hereinbefore mentioned; and in every such case in which any portion of such monies so advanced and issued  
35 shall be so applied by the said Commissioners, such sum of money shall be repaid to the Consolidated Fund by the said Commissioners (as in cases of repayments of Loans for Public Works), from and out of any funds or monies to be received, borrowed or raised by them for defraying the costs, charges and expenses incurred or to be incurred in the execution of  
40 such work: Provided always, That in any case where the expenses of any such preliminary investigation and inquiry as aforesaid, as to any proposed works, shall have been defrayed out of the monies so advanced and issued as last aforesaid by the Commissioners of Her Majesty's Treasury, and the presentment or assents as required by this Act as to such works shall not have been obtained within a time to be  
15. limited

*limited by the said Commissioners, the amount of such expenses shall be paid to the said Commissioners for the execution of this Act, by the person or parties who shall have applied by memorial in such case, and by said last-mentioned Commissioners be paid over to the Consolidated Fund in the manner aforesaid.*

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10.  
Commissioners may report to Treasury and recommend grant.

And be it Enacted, That if upon any such survey or examination and report as aforesaid, the said Commissioners shall approve of the proposed works, or any modification of the same, or other works in lieu thereof, and deem it fit to recommend that a Grant should be made for the execution of the same, they shall forward to the Commissioners of Her Majesty's Treasury a report upon such case, with such information as may be required, and their recommendation of the work approved of by them, and the amount of money which in their opinion might properly be advanced by way of grant for or on account of such work; and if the said Commissioners of the Treasury shall think fit provisionally to approve of the work so recommended, or any modification thereof, and the amount of Grant recommended, or any modification thereof, it shall be lawful for the Commissioners of the Treasury to signify their provisional approval of the same respectively, and to specify the time to be allowed for the repayment, and the rate of interest to be chargeable upon such sum of money as may be required by way of Loan to defray the residue of the total cost of the work so approved of by them, over and above the amount of money to be advanced for the same by way of Grant.

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11.  
Provisional declaration to be made by Commissioners as to works and proportion of grants and loans for the same.

And be it Enacted, That by such survey or examination as aforesaid, or otherwise, as the said Commissioners shall think fit, they shall ascertain and determine the county or counties, the district or the lands of any person or persons, as the case may be, which in their opinion will be benefited by the proposed works, and having regard to the regulations hereinafter mentioned, ought in their opinion to secure or become chargeable with the repayment of such portion of the total cost of such works as shall be advanced by way of Loan; and the said Commissioners shall, upon receiving from the Commissioners of the Treasury their provisional approval as aforesaid, cause to be prepared a provisional declaration under their hands, describing by reference to plans or otherwise, the works proposed to be executed as provisionally approved of as aforesaid, and the estimated cost thereof, with the respective proportions of such cost to be supplied by way of Grant and by way of Loan; and the time of repayment of, and the rate of interest on such Loan; and the county or counties, or the extent of district or lands which ought in the opinion of the said Commissioners to secure or become chargeable with the repayment of such Loan, and the interest thereon.

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And

And be it Enacted, That the said Commissioners in determining what "county, counties," "district," or "lands" ought in their opinion to secure or become chargeable with such sums of money, with interest thereon, as shall be advanced by way of Loan for any such works,

5 shall be guided by the regulations following; (that is to say)

First. If the work on or near the coast of any county or counties be of such a nature as to confer a general rather than a local benefit, such as the removal of obstructions to navigation, the opening of passages through shoals or between rocks, the connecting of bays or inlets of the sea, the erection of beacons in certain cases, and other similar works, such Loan ought to be secured by Grand Jury presentment on such "county or counties" at large,

Case of  
"counties."

Second. If the work from its nature and extent would afford facilities for commerce and agriculture, as well as fisheries, or be calculated to produce a considerable market for fish and trade arising thereout, and thus afford general as well as local advantage, a moiety of such Loan ought to be secured by presentment on the county at large, and the other moiety by the "district" adjacent to such work, to be determined and defined as herein provided:

Case of  
"county" and  
"district" and  
conjointly.

Third. If the work be on or near the shore of a cultivated or populous district or island, or for such reason or otherwise is calculated to confer important local advantage, as a landing or shipping place for agricultural or other produce or goods, as well as a fishing station or market, such Loan ought to be secured and become chargeable on the adjacent "district," to be determined and defined as aforesaid:

Case of  
"district."

Fourth. If the work be situate in or near uncultivated or partially cultivated lands, or in remote or thinly-peopled districts, or be otherwise calculated to confer important advantages on the estates or properties of proprietors of lands (as defined by this Act) to an extent in the opinion of the said Commissioners commensurate with the amount of the Loan to be secured, then such Loan ought to be secured and become chargeable upon the "lands" of such "proprietors" as hereinafter provided:

Case of  
"lands of pro-  
prietors."

Fifth. If a combination of the circumstances and advantages described in the foregoing regulations should be found to exist; or in cases where piers or harbours chiefly useful for the refuge and rendezvous of fishing vessels are constructed near remote head-lands or in islands, the amount of such Loan ought to be secured by and become chargeable on the "county or counties," "district" or "lands," in proportionate parts accordingly.

Case of  
"county,"  
"district" and  
"lands," or  
any two of  
them con-  
jointly.

13.  
Provisional  
declarations,  
plans, esti-  
mates, &c. to  
be lodged  
for public  
inspection.

5 & 6 Vic.,  
c. 82.

And be it Enacted, That the said Commissioners shall cause a copy of such provisional declaration, together with such maps, plans, sections and estimates of the proposed works, as they shall think fit and sufficient, to be deposited for public inspection at all reasonable times for a period not less than Two Weeks, in such convenient place 5 or places as the said Commissioners shall think proper, within the county or counties, or in or in the vicinity of the district or lands, as the case may be, which it is proposed should become chargeable with the repayment of any money advanced by way of Loan for such works; and all persons shall be at liberty to inspect or make copies of or ex- 10 tracts from such declaration, maps, plans, sections, or estimates which may be so deposited, and notice of the time and place of such deposit shall be published in some newspaper usually circulated in the county, district or place in or near which said work is proposed to be made or constructed, and posted in such public places as the said Commis- 15 sioners shall think fit within such county, or in or near such district or place as aforesaid; and by such notice all parties interested shall be required, on or before a day therein to be named, not sooner than Two weeks from such publication and posting as aforesaid of such notice, to transmit to the secretary of the said Commissioners in Dublin, their 20 objections (if any) in writing, to the said declaration, maps, plans, sections and estimates, and all other objections which such parties shall think fit to make with respect to any thing proposed to be done by the said Commissioners under the provisions of this Act.

14.  
Meeting to  
hear objec-  
tions may be  
held in cer-  
tain cases.

5 & 6 Vic.,  
c. 82.

And be it Enacted, That in cases in which the said Commissioners 25 shall deem it expedient so to do, they shall, by the notice to be published and posted as aforesaid, or by a subsequent notice to be published and posted in like manner, call one or more public meetings of persons interested or likely to be affected by any such proposed works, or the charge for the same, to be held on such day or days sub- 30 sequent to the expiration of such period of two weeks, at such convenient place or places as shall be specified in such notice: Provided always, That if any such meeting shall be called by any subsequent notice as before mentioned, such meeting shall be held on a day not sooner than Two Weeks from the date of such subsequent notice. 35

15.  
Proceedings  
at such  
meeting.

5 & 6 Vic.,  
c. 82.

And be it Enacted, That in any case where such meeting shall be called, then at the time and place named in such notice as aforesaid, the said Commissioners, or One of them, shall attend, and shall have power to adjourn from time to time, or hold such new meeting as they shall deem necessary, and shall hear or inquire into, on oath, or other- 40 wise, all such objections as shall have been or shall then and there by any person interested be made to such declaration, maps, plans, sections or estimates, or proposed works or charge in respect of the same; and after having considered all such objections as afore-  
said,

said, they shall at such meeting or subsequently thereto, or in case no meeting shall have been called or held, then upon considering the objections (if any) which shall have been made in writing pursuant to such first-mentioned notice as aforesaid, cause such alterations (if any) as they may deem expedient to be made in such declaration, maps, plans, sections or estimates, and shall finally settle and sign the same, and shall cause such final declaration so settled and signed to be printed, and a copy thereof to be furnished to the memorialists in such case, or to such persons interested, as they shall think fit, or who shall apply for the same: Provided always, That if the Commissioners shall deem it expedient to alter such declaration in any matter or thing which shall have been provisionally approved of by the said Commissioners of Her Majesty's Treasury, such alteration shall not be finally determined without the approval of the said Commissioners of Her Majesty's Treasury.

and final  
declaration to  
be printed.

And be it Enacted, That after such declaration shall have been finally settled and printed as aforesaid, it shall and may be lawful for the said Commissioners in the cases following to publish in the "Dublin Gazette," and otherwise as they shall deem fit, a final notice, stating that all the requisitions of this Act with respect to the work proposed to be executed, and to all matters and things preliminary to the commencement of the same, and with respect to the security or charge for any monies to be advanced for such work by way of loan, have been complied with; (that is to say)

16.  
Final notice  
may be pub-  
lished in case  
the present-  
ment or  
assents herein  
required be  
made or  
given.

First. Where by such declaration it shall be declared that in the opinion of the said Commissioners any "county" ought to secure and become chargeable with the repayment of any sum of money to be advanced by way of Loan for such work, then in such case such final notice shall be published if the Grand Jury of the county, or in the case of two counties if the Grand Jury of the county to become liable to repay the half or more of such sums of money, shall make a presentment approving of the proposed work, and consenting that such sum of money or proportionate part, as the case may be, shall be secured by or become chargeable and levied upon such county at large, under the provisions of this Act:

Case of  
"counties" to  
be chargeable.

Second. Where by such declaration it shall be declared that in the opinion of the said Commissioners any "district" ought to secure and become chargeable with the repayment of any sum of money to be advanced by way of Loan for such work, then in such case such final notice shall be published if, at a meeting which may be convened by public notice issued by the said Commissioners, and at which meeting an officer appointed by the said Commissioners shall attend and preside, the majority of the ratepayers present

Case of  
"district" to  
be chargeable.

15. B who,

who, under an Act of the first and second years of Her present Majesty, intituled, "An Act for the more effectual Relief of the Destitute Poor in Ireland," and any Act amending the same, shall have been rated under the then last rate in respect of property in such district, shall approve of and assent to the proposed work, unless in case of a division or poll at such meeting, upon a scrutiny which such officer shall be authorized to take it shall appear to such officer as aforesaid that the ratepayers declaring their dissent at such meeting were, by the then last preceding rate rated in respect of property, valued at more than half the net annual value of the rateable property within such district.

Case of  
"lands of pro-  
prietors" to be  
chargeable.

Third. Where by such declaration it shall be declared, that in the opinion of the said Commissioners the "lands of any proprietors" ought to secure and become chargeable with the repayment of any sum of money to be advanced by way of Loan for such work, then in such case such final notice shall be published, if the proprietors of so much of the lands as according to such declaration ought to secure or become chargeable with more than *One-half* the amount of such sum of money, shall assent in writing to the proposed work.

Case of  
"county, dis-  
trict or lands"  
or any of two  
them con-  
jointly.

Fourth. Where by any such declaration it shall be declared that in the opinion of the said Commissioners such sum of money to be advanced by way of Loan for such work ought to be secured conjointly by any "county, district," and "lands of proprietors," or by any such county and district conjointly, or county and lands of proprietors conjointly, or district and lands of proprietors conjointly, then in such case such final notice shall be published, if such county, district or proprietors, which or who would become liable to such charge, shall have as aforesaid in the manner and subject to the regulations hereinbefore mentioned, respectively approved or assented to such work.

Provided always, That such final notice shall and may be published in any case in which the Commissioners of Her Majesty's Treasury shall deem fit to accept and signify their approval of any other security for the repayment of the monies advanced by way of Loan for any such work, in lieu of the security herein prescribed or provided, any thing in the foregoing regulations or provisions to the contrary notwithstanding: and Provided also, That it shall be lawful for the Grand Jury of any county, without application to presentment session, to make any such presentment as hereinbefore mentioned, in relation to any such proposed work.

17.  
Who shall be  
deemed pro-  
prietors.

And be it Enacted, That any person seized or entitled to any land proposed to be made chargeable under the provisions of this Act for the

the repayment of any money advanced by way of Loan, in possession as tenant in fee-simple or in fee-tail, general or special, or as tenant by courtesy, and also any person who shall be entitled under any will or settlement, or any other deed or instrument (except a grant or lease reserving rent, or an agreement in writing for such grant or lease), for his own life, or the life of any other person, or for years determinable on such life or lives, and also any person who shall be entitled under any lease granted by a Bishop, or any collegiate or ecclesiastical body, or under any lease granted by any person having immediate or derivative title from or under any Bishop, or any collegiate or ecclesiastical body, which lease shall contain a *toties quoties* covenant of renewal, and also any person who shall be entitled under any grant, lease or any other deed or assurance, for an estate in fee, or for a term of years absolute, whereof *One hundred Years* or more shall be unexpired, or for an estate or interest for any life or lives renewable for ever, or for any term or terms of years renewable for ever, whether such last-mentioned person shall be entitled to any such estate, term or interest, either absolutely or as tenant in tail, or as quasi tenant in tail, or for his life, and also every feoffee or trustee of any such land, or of any such estate or interest therein as aforesaid, for charitable or other purposes, shall be deemed a proprietor of such land for the purposes of this Act; and in every case in which any person seised, possessed of or entitled to any such land for any such estate or interest as aforesaid shall be an infant, feme covert, idiot or lunatic, the guardian of such infant, the husband of such feme covert, and the committee of the estate of such idiot or lunatic, shall, subject to the provisions hereinafter contained, be deemed a proprietor of such land for the purposes of this Act: Provided always, That no person shall be deemed a proprietor for the purposes of this Act for or by reason of any estate vested in him which shall have been created by way of mortgage, or for the purpose of securing the payment of any sum of money, but that the person who would be deemed a proprietor for the purposes of this Act, if such estate by way of mortgage or for securing any money, had not been created, shall, notwithstanding such mortgage or security, be deemed such proprietor as aforesaid: Provided also, That where several persons shall have, in any such land, such estate or interests as would otherwise entitle them, under the provisions aforesaid, to be so deemed proprietors, such of the said persons shall be deemed the proprietor, for the purposes of this Act, as shall be in actual occupation of the said land, or as shall have such estate or interest as aforesaid therein next in reversion or remainder to the estate or interest of the person in actual occupation.

Provided always, and be it Enacted, That it shall and may be lawful for any feoffee or trustee for charitable or other purposes, and also for any guardian, husband or committee of any infant, feme covert or

18.  
Trustees, &c.  
may apply to  
Court of  
Chancery  
for leave to  
assist.

idiot

5 & 6 Vic.,  
c. 89, s. 28.

idiot or lunatic respectively (on behalf of their respective infants, wives, idiots or lunatics), to apply, if they shall think fit, in a summary way, by petition to Her Majesty's Court of Chancery in Ireland, for leave to assent to the execution of any works proposed to be done under the provisions of this Act; and the said Court shall have power to inquire into the propriety of giving such assent, and to make such order on the petition, and as to the costs thereof, as to the Court shall seem meet; and if the Court shall authorize any such assent being given, then it shall be lawful for the person who shall have presented the petition to give such assent, and the same shall be as binding and effectual, to all intents and purposes whatsoever, as if the person giving the same had been the actual proprietor of the lands in respect of which such assent shall be given.

19.  
*Joint tenants to be accounted as one person.*

5 & 6 Vic.,  
c. 89, s. 28.

And be it Enacted, That joint-tenants, tenants in common and coparceners jointly interested in any portion of land proposed to be made chargeable as aforesaid, shall, in respect of the land in which they are so interested, be accounted as one person: Provided always, That the concurrence of the person or persons interested in or possessing more than half of the estate or interest in such portion of land shall be sufficient for the purpose of giving such assent as aforesaid.

20.  
*Assents may be given by persons authorized.*  
5 & 6 Vic.,  
c. 89, s. 28.

And be it Enacted, That the assents of proprietors required to be given in writing for any of the purposes of this Act, may be given by the known agent or attorney of any such proprietor.

21.  
*Publication of final notice to be conclusive.*  
5 & 6 Vic.,  
c. 89.

And be it Enacted, That the publication of any such final notice shall be deemed final and conclusive evidence that the several preliminary measures, proceedings and requisitions hereinbefore directed to be taken and observed, have been duly taken and observed, and no error, misdescription, misnomer, mis-statement or omission in any of the maps, plans, sections, estimates, declarations or notices by this Act required to be prepared, lodged, enrolled or given by the said Commissioners, shall invalidate the same, or any of them, or any of the proceedings under this Act; and from and after the publication of such final notice, no error or omission whatever in any of the proceedings preliminary to the issuing of such final notice, shall be deemed to affect or invalidate any such proceedings, or the powers and authorities of the said Commissioners, or prevent them from proceeding with the execution of the works in their opinion necessary, and for that purpose effecting any purchases, and doing all matters and things requisite for carrying fully into effect any such works, or the provisions of this Act in relation thereto, nor to affect or invalidate any award to be made by the said Commissioners in respect of any of the works, or the county, district or lands to become chargeable in respect thereof, nor the extent of such district or lands to become liable for the

*Errors, omissions, misstatements or misnomers in proceedings or documents previous to and inclusive of the publication of the final notice shall not invalidate any of the proceedings under this Act.*

the repayment of any part of the cost of the works nor any other matter or thing done or omitted to be done by the said Commissioners previously or subsequently to the publishing of such final notice; and the approval of or assent to any work which shall have been received by the said Commissioners from any such meeting of any district, or from any proprietor of lands to become chargeable as aforesaid, shall be conclusive and binding upon such district, and such proprietor and all persons interested in the lands of such proprietor, in respect of which respectively such approval or assent may have been given, and also upon and against the same district and lands respectively; and it shall not be lawful for any person whatever, in any manner to question or appeal against or in respect of any thing whatsoever done or omitted to be done by the said Commissioners under the provisions of this Act (save only in such case and such manner as herein specially provided), nor shall any proceedings to be had or taken by or on behalf of the said Commissioners for the purposes of this Act, be removed or removable by certiorari into any of Her Majesty's Courts of Record.

And be it Enacted, That in every case where any such final notice shall be published as aforesaid, all the costs and expenses of the preliminary proceedings hereinbefore directed to be taken shall be considered as expenses incidental to the execution of the works proposed to be executed, and shall be defrayed accordingly; but if in any case the said Commissioners shall determine that it is inexpedient to execute any of the works referred to in any such memorial, or other works in lieu thereof, or if the necessary presentment or assents hereinbefore required to be obtained shall not be given to the execution of the proposed works, then and in any such case all expenses which shall have been incurred shall be defrayed by the person or persons who shall have presented such memorial as aforesaid, and the same shall be recoverable from such person or persons by the said Commissioners, by civil bill or by action or suit in any of the Superior Courts in Dublin.

22.  
As to expenses of preliminary proceedings.  
5 & 6 Vic., c. 39, s. 39.

And be it Enacted, That every such final declaration, when so settled by the said Commissioners, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland, within Three Months after same shall have been finally settled; and a copy thereof shall be deposited with the Clerk of the Peace of each county in which such district shall be situate, who is hereby authorized and required to receive and deposit the same amongst the records of the county; and a copy thereof, certified by the proper officer of Her Majesty's Rolls Office, shall be evidence that it was duly made, and that all the requisitions of this Act in relation thereto were complied with.

23.  
Final declaration, when settled, to be deposited in the Court of Chancery.  
5 & 6 Vic., c. 39.

24.  
After pub-  
lication of  
final notice,  
Grants and  
Loans may be  
issued.

And be it Enacted, That after the publication of such final notice as  
aforesaid, it shall be lawful for the said Commissioners of Her Majesty's  
Treasury to cause to be advanced out of the growing produce of the Con-  
solidated Fund of Great Britain and Ireland from time to time, upon  
the application of the said Commissioners for the execution of this Act,  
such sum or sums of money for the execution of the works as shall have  
been specified in such final declaration, as the proportion of the cost of  
such works, to be supplied by way of Grant, and the monies so to be from  
time to time issued for the purpose last aforesaid, shall be accounted to  
be part of the money by this Act authorized to be issued by way of Grant,  
and it shall and may be lawful for the Commissioners of Public Works  
in Ireland, out of the funds at their disposal under the provisions of the  
said first-recited Act, or any Act or Acts amending the same, from time  
to time to advance by way of Loan such sum or sums of money for  
the execution of such works as shall have been specified by such final  
declaration as the proportion of the cost of such works to be supplied  
by way of Loan.

Works.

25.  
After pub-  
lication of  
final notice,  
Commis-  
sioners may  
commence  
the Works.  
5 & 6 Vic.,  
c. 80, s. 40.

And be it Enacted, That at any time after the publication of any  
such final notice as hereinbefore mentioned, the said Commissioners  
may commence and proceed with the works proposed to be executed,  
and to which such notice may relate.

26.  
Commis-  
sioners to  
appoint  
officers.  
5 & 6 Vic.,  
c. 80, s. 41.

And be it Enacted, That it shall be lawful for the said Commissioners  
to appoint, employ and dismiss at pleasure, such engineers, surveyors,  
clerks, collectors, receivers or other necessary officers, and pay and  
allow, out of the funds at their disposal under this Act, to such engi-  
neers, surveyors, clerks, collectors, receivers and other officers, such  
yearly or other salary or wages as the said Commissioners shall think  
fit; and all and every the person or persons employed as aforesaid,  
shall, when required so to do by the said Commissioners, render to  
them a true and perfect account of all monies which shall have been  
received and paid by them respectively by virtue of such employment,  
with proper vouchers for the same, and shall pay to the said Commis-  
sioners, or such person as they shall authorize to receive the same, all  
such sums as shall be due to the said Commissioners from such per-  
sons, and shall deliver up all vouchers, books and writings relating to  
their respective offices to the said Commissioners; and in case any  
person who shall be so employed as aforesaid shall refuse or neglect to  
render such account, and make such payment as aforesaid, or to deliver  
up such vouchers, books and writings to the said Commissioners, or to  
such person as they shall empower to receive the same, then and in  
every of the said cases it shall and may be lawful to and for any Two or  
more Justices of the Peace, at petty sessions assembled, to inquire  
into the matter of such default in a summary way; and if such person  
shall thereof be convicted, either by confession, or by the testimony of  
any

All officers  
to account.

any One or more credible witness or witnesses upon oath, such Justices shall commit the party to the common gaol of the county, there to remain for any time not exceeding *Twelve* calendar Months, or until he shall have made a perfect account and payment as aforesaid, and shall have delivered up all such vouchers, books and writings in his custody, or shall have compounded or agreed with the said Commissioners, which composition and agreement the said Commissioners are hereby empowered to make: Provided always, That such of the officers of the Board of Public Works and persons appointed Inspectors of Fisheries, under an Act of the fifth and sixth years of Her present Majesty's reign, intituled, "An Act to regulate the Irish Fisheries," as the Commissioners for the execution of this Act shall deem fit, and by their order direct, shall be officers for the purposes of this Act.

And be it Enacted, That it shall be lawful for the said Commissioners to contract with or employ such contractors, surveyors, agents and workmen as they shall think fit, and to make and execute all such works as shall be described in the maps, plans and sections hereinbefore mentioned, or such deviations therefrom, or such other works as they shall deem necessary for effecting all or any of the purposes of this Act, and for such purposes to enter into and upon any land whatsoever, and to widen, straighten, deepen or divert any channel, sailing-course, river or stream, and to make or erect any wharf, landing-place, pier, quay, harbour, beacon, bank, sluice, lock, lock-house, light-house or other building, drain, tunnel, road, towing-path, capstan or other works necessary for the purposes of this Act; and also to make any embankment against the sea, or remove or cut away any rocks or other obstruction to navigation, or make any navigable cut or channel, and to put and place on such land any piles, stones, earth, soil or other materials for the purposes of the works, and also to stop up or divert any road or remove any bridge, and to make any new road or bridge, and also from time to time to repair, alter or improve any harbour, wharf, landing-place, quay, pier, road or other works now made or to be made as aforesaid, and also to do all such things and erect such engines and execute all such works as may be necessary or convenient for the purposes of this Act, making compensation, to be ascertained in the manner hereinafter mentioned, to all persons for any damage occasioned to them by the exercise of any such powers.

And be it Enacted, That it shall be lawful for the said Commissioners, or any engineer, workman, or other person authorized by them, after *Three Days'* previous notice, to enter into and to search for, dig, take, and carry away materials out of any land for the purpose of executing or repairing any works under the provisions of this Act, making such compensation for the surface damage done to the proprietors, lessees,

27.  
Power to execute the works.

5 & 6 Vic.,  
c. 29, s. 22.

28.  
Commissioners may enter lands and dig for materials, on making compensation.

5 & 6 Vic.,  
c. 29, s. 24.

lessees, or occupiers of such lands, according to their respective interests therein, as to the said Commissioners shall seem fit and reasonable; and in case of dispute such compensation shall be settled on a summons to be issued for that purpose, by any Two or more Justices of the Peace for the county in which such land is situate, at petty sessions: Provided always, That in all cases where materials shall be taken from an open quarry *bonâ fide* demised to any person with liberty to raise, sell and dispose of the materials therein, the value of such materials shall be paid for by the said Commissioners, and the amount owing, in the event of difference as to the same, shall be settled on summons by any Two or more Justices as aforesaid.

29.  
Commissioners to fill up holes and pits not found useful, and fence off those that may be useful.

5 & 6 Vic.,  
c. 38, s. 55.

And be it Enacted, That if, by reason of the searching for, digging, or getting any materials as aforesaid, any pit or hole be made in any common or other land wherein such materials shall be found, the said Commissioners shall forthwith, where the same shall be necessary for the safety or security of the public, or if the proprietor or occupier shall so require, cause the same to be sufficiently fenced off during such time as the said pit or hole shall be used, and shall, within Six Days after having dug up sufficient materials, if such pit or hole is not likely to be further useful, cause the same to be filled up, sloped down or fenced off, and so continued; and if the same is likely to be further useful, the said Commissioners shall cause the same to be sufficiently secured by posts and rails or other fences, so as to prevent accidents to cattle or persons.

30.  
When lands cut through shall be less than an acre in quantity, or less than 15 yards wide, Commissioners to purchase the whole, if required.  
5 & 6 Vic.,  
c. 38, s. 64.

And be it Enacted, That if in the execution of any of the works authorized by this Act any field, close or parcel of land shall be cut through or divided from the remainder of any estate, farm or property, so that there shall be left on each or either side of the said works or any of them less than *One statute Acre* in quantity, or less than *Fifteen Yards* in breadth, then and in every such case the said Commissioners shall (if thereunto required by the proprietor of such field, close or other land so cut through or divided), take and purchase such piece or parcel, or pieces or parcels so to be left as aforesaid of such field, close or land, and shall pay for the same in the same manner as for the land actually required for the purpose of this Act, and the said Commissioners are hereby authorized and empowered to sell such lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any person or persons whomsoever who shall be willing to purchase the same; and any profit or loss arising from such sale and resale, shall be respectively placed to the account of the work in respect of which such lands shall have been purchased.

And

And be it Enacted, That it shall be lawful for the said Commissioners to purchase any lands which they shall think it necessary or proper to purchase for accomplishing any of the purposes of this Act, and also any land not exceeding *Five Acres*, at, about and adjacent to the site  
 5 of any pier, harbour, quay or landing-place to be constructed or improved under the provisions of this Act, which they may deem requisite as sites for the building or constructing market-places, drying-sheds, or for ground for spreading and mending nets or for other purposes of a public nature, or calculated to promote and improve the Fisheries,  
 10 making such reasonable satisfaction and recompense to the person entitled to or interested in such land as may be agreed upon or shall be settled and ascertained in manner hereinafter mentioned.

31.  
 Commissioners may purchase land for the purposes of the Act.

And be it Enacted, That it shall be lawful for every corporation, and for every trustee and feoffee in trust for charitable or other purposes, and for every executor and administrator, not only for and on  
 15 behalf of himself, his heirs, executors and administrators respectively, but also for and on behalf of his cestuique trust, whether infant, feme covert, idiot, lunatic or persons not born, or not ascertained, or any other person whomsoever, and to and for any tenant for life, or for years  
 20 absolute and determinable on any life or lives, and every person having any other partial or qualified estate or interest in any land required to be purchased for any of the purposes of this Act or injuriously affected by any such works as aforesaid, not only for and on behalf of himself, his heirs, executors, administrators and issue, but also for  
 25 and on behalf of the person entitled in remainder, reversion, expectancy or contingency, or for any other future estate or interest, where such person or any of such persons (if more than one), whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained, or shall be incapable of contracting  
 30 for, selling or conveying the same; and to and for every guardian on behalf of his respective ward, husband on behalf of his respective wife, committee on behalf of the person of whose estate he shall be committee, and the heirs, executors, administrators and issue of such ward, wife or person respectively, and to and for any feme covert  
 35 entitled in her own right to any such land, or in dower or other interest therein, on behalf, not only of herself, but also of her respective heirs, executors, administrators and issue, and also where such ward, wife, person or feme covert respectively, shall be tenant for life or in tail, or for years, or have any other partial or qualified estate or interest, to  
 40 and for such guardian, husband, committee and feme covert, on behalf of the person or persons on behalf of whom such ward, wife, person, or feme covert respectively, if of full age, unmarried, and of sound mind, might have contracted for, sold and conveyed the same land, and to and for every other person whomsoever, who is or shall be seized or possessed of, or interested in any such land, to contract or

32.  
 Corporations, trustees and other persons empowered to sell and convey, &c.  
 8 & 6 Vic.  
 c. 20, s. 67.



said party interested in such land, or sustaining such injury or damage cannot or do not agree as to the amount or value of such satisfaction, recompense or compensation, the same respectively shall be ascertained and settled in manner hereinafter directed.

- 5 And be it Enacted, That if any such corporation, trustee or other person interested in or hereinbefore authorized to contract for, sell and convey any such land as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of absence or disability, cannot agree, or cannot be found or known, or shall not  
10 prove a clear title to the land or the estate or interest which he shall claim therein to the satisfaction of the said Commissioners, or in case any such corporation or trustee or other person sustaining any such injury or damage as aforesaid, shall not accept such satisfaction or recompense for the same as shall be offered by the said Commissioners,  
15 for the space of *Thirty Days* after notice published in some newspaper circulating in the county in which such lands shall be situate, and a copy of such notice given to the principal officer or officers of such corporation, or to such trustee or person respectively, or left at his respective place of abode, or at the house of the tenant or occupier  
20 of such land intended to be purchased, taken or used for any of the purposes of this Act as aforesaid, then in every such case the said Commissioners are hereby empowered, at a time and place to be specified in such notice as last aforesaid, to inquire and examine by themselves or one of them, or by any officer to be appointed for that  
25 purpose, and to award the sum of money to be paid for the purchase of such land, or the recompense or satisfaction to be made for damage that may or shall be sustained as aforesaid, and to settle and ascertain in what proportions the sum so awarded shall be paid to the several persons interested in such land, or in any charge, lien or incumbrance  
30 thereon, and what abatements (if any) shall be made in the rents payable out of the land named or described in such award, or any land held in conjunction therewith; and the said Commissioners shall award such purchase-money or recompense so to be assessed, and the said Commissioners shall and may in such award name or describe the  
35 persons (if known to the said Commissioners) to whom respectively the sum mentioned therein shall be paid, and in what proportions the same shall be paid to and among such persons where more than one, and the land, naming or describing the same, in respect of which such sum has been so awarded, and also what abatements (if any) shall be  
40 made in the rents payable out of the land named and described in such award, or any land held under the same lease or instrument in conjunction therewith; and the said Commissioners shall notify and appoint a time and place for holding a meeting for the confirmation of their said award, and they or one of them shall attend at such time and place, and at such meeting, or at some adjournment thereof, proceed

35-  
Commissioners em-  
powered to  
award the  
value.  
s. 6 & 7 Vic.,  
c. 80, s. 70.

ceed to consider each case and hear all objections which may be made thereto by any person whatsoever, and receive all such evidence as they shall find pertinent and proper, and amend or confirm and settle each such award accordingly; and such award shall be conclusive and binding upon The QUEEN's most Excellent MAJESTY, and all other persons interested, except in the case and subject to the provisions hereinafter contained: Provided always, That after having offered to any proprietor or occupier of any land such sum as the said Commissioners shall think reasonable, it shall and may be lawful for them, without further delay, to enter into and upon such lands for the purposes of this Act, and to proceed with such works thereon as shall in the opinion of said Commissioners be necessary.

1 & 2 W. 4,  
c. 38, s. 74.

36.  
Any person  
dissatisfied  
with the  
adjudication  
of the Com-  
missioners  
may appeal  
to the As-  
sistant Bar-  
rister at  
Quarter  
Sessions.

8 & 9 Vic.,  
c. 89, s. 71.

Provided always, and be it Enacted, That if any person interested or claiming to be interested in any land which may be made the subject of any such award as aforesaid, shall be dissatisfied therewith, either as respects the amount of the value or the compensation awarded in respect thereof, or of any abatement to be made in any rent, or as respects the persons to whom or the proportions in which such value or compensation is to be paid or abatement made, it shall be lawful for such dissatisfied person to appeal to the quarter sessions which shall be held next after any such award shall have been made and settled as aforesaid, for the division of the county wherein such land shall be wholly or in part situate (provided same shall not be held sooner than *Thirty-one* Days after the making of such award), the party appealing, if there be sufficient time after such award, having first given to the said Commissioners *Twenty-one* Days' notice at least of his intention of bringing such appeal, and of the matter thereof; and if there shall not be *Thirty-one* Days between the making of such award and the day appointed for holding such sessions, then such appeal may be made at the second quarter sessions which shall be holden for such division of such county after such award; and the Assistant Barrister at such first or second quarter sessions, or any adjournment thereof, upon due proof of such notice having been given, is hereby empowered and required to hear and finally determine the matter of such appeal, either by or without the verdict of a jury, as the party appealing shall require, and may order such sum to be paid for the costs thereof to be paid wholly or in part by either of the parties thereto, and may, by warrant under his hand, direct such costs so awarded to be levied by distress and sale of the goods and chattels of the party or parties who shall refuse or neglect to pay the same: Provided always, That if no notice of appeal shall be served on the said Commissioners within *Fourteen* Days next after their award shall be made, the same shall be final, binding and conclusive upon all persons and to all intents and purposes whatsoever.

And

And be it Enacted, That if in any notice of appeal to be served on said Commissioners as aforesaid, the party appealing shall require a jury to be summoned for determining the matter of such appeal, then and in every such case the said Commissioners shall issue their

5 warrant under their bands and seals to the sheriff of the county where such appeal is to be heard, commanding such sheriff to impanel, summon, and return a jury, and such party shall also serve a copy of such notice of appeal on such sheriff; and the said sheriff to whom the said warrant shall be directed or such notice given, is

10 hereby required accordingly to impanel, summon and return a jury of Twenty-four men, qualified according to law to be returned for trials of issues joined in Her Majesty's Courts in Dublin, to appear before the said Assistant Barrister at such time and place as in such warrant or warrants shall be appointed, not being less than *Fourteen Days*

15 after such warrant shall be served upon the said sheriff, upon pain to forfeit for every default in not making such return *Five Pounds*, to be sued for and recovered in the manner hereinafter directed, and also to return in issues upon every person so impanelled and returned, who, contrary to the true intent and meaning of this Act, shall not

20 appear, the sum of *Forty Shillings*, which shall be levied by distress and sale of the goods and chattels of the person not appearing as aforesaid, by warrant under the hand and seal of the said Assistant Barrister, and in case a sufficient number of jurymen shall not appear at such time and place, the said sheriff shall return other honest and

25 indifferent men that can speedily be procured to attend that service, being qualified as aforesaid, to make up the said jury to the number of Twelve; and all parties concerned shall and may have their lawful challenges against any of the said jurymen; and the said Assistant Barrister is hereby empowered, by warrant under his hand and seal,

30 from time to time as occasion shall require, to summon and call before him all and every such person and persons as shall be thought necessary to be examined as witnesses touching the matters in question; and the Assistant Barrister may order and authorize the said jury, or any Six or more of them, to view the place or matter

35 in question, which jury (upon their oaths to be administered by the said Assistant Barrister, which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said Assistant Barrister is hereby empowered to administer), shall inquire of, assess, and ascertain the sum of money to be paid for the purchase of such

40 land, or the recompense or satisfaction to be made for damages that may or shall be sustained as aforesaid, and what abatements (if any) are to be made to any tenant or occupier of such land, and to settle and ascertain in what proportions the sums so assessed shall be paid to the several persons interested in the premises.

Juries may  
be chal-  
lenged.

38.  
Judgments  
of Assistant  
Barristers to  
be binding  
on all parties.  
5 & 6 Vic.,  
c. 80, s. 75.

And be it Enacted, That in all such cases of appeal as last aforesaid, the Assistant Barrister shall give judgment for such purchase-moneys or recompense, whether the same shall have been assessed and ascertained by such juries, or finally determined by such Assistant Barrister; and the verdicts of such juries, and the judgments thereon, and the judgments of said Assistant Barrister where no such verdicts shall be given, shall be binding, final, and conclusive to all intents and purposes, against all parties, corporations and persons whomsoever.

39.  
Juryman  
refusing to be  
sworn or give  
verdict, to  
forfeit a sum  
not exceed-  
ing 40s.  
5 & 6 Vic.,  
c. 80, s. 74.

And be it Enacted, That if any person summoned as a jurymen as aforesaid shall, after his appearance refuse to be sworn, or being so sworn, refuse to give or not give his verdict, or in any other manner wilfully neglect his duty in the premises, contrary to the true intent and meaning of this Act, every person so offending having no reasonable excuse to be allowed by the said Assistant Barrister, shall for every such offence forfeit and pay any sum not exceeding the sum of *Forty Shillings*, to be levied on the goods and chattels of the person so offending, by warrant under the hand and seal of the said Assistant Barrister, by distress and sale of the offender's goods, rendering the overplus to the owner thereof after such penalty and the charges of such distress and sale are deducted.

40.  
Awards,  
verdicts,  
and judg-  
ments to be  
recorded.  
5 & 6 Vic.,  
c. 80, s. 76.

And be it Enacted, That such of the aforesaid awards of the said Commissioners as shall not be appealed from, and the judgments and verdicts so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the counties in which the land, in respect of which such awards, judgments or verdicts shall have been respectively made, shall be situate, and shall be deposited with the records, and deemed records of such counties respectively, to all intents and purpose; and the same, or certified copies thereof, shall be allowed to be good evidence in all courts whatsoever; and all persons shall have liberty to inspect the same, paying for such inspection the sum of *Sixpence*, or to have copies thereof, paying for every copy the sum of *Three halfpence* for every Seventy-two words, and so in proportion for any greater or less number of words.

41.  
Application  
of compen-  
sation money  
when amount-  
ing to or  
exceeding  
200 £.  
5 & 6 Vic.,  
c. 80, s. 76.

And be it Enacted, That if any money shall be adjudged or awarded to be paid for any land purchased, taken or used, by virtue of the powers of this Act, or as compensation for any damage or injury to any land which shall belong to any corporation, or to any trustee or feoffee, executor or administrator, or any husband, guardian or committee, for or on behalf of any feme covert, infant, idiot or lunatic, or to a tenant for life, or any person who shall have no power to give a valid receipt for the same, or to sell or convey the same land, otherwise than by virtue of this Act, such money shall, in case the same shall

amount

amount to or exceed the sum of Two hundred Pounds, with all convenient speed be paid into the Bank of Ireland, in the name and with the privy of the Accountant-General of the Court of Chancery or Exchequer, to be placed to his account there ex-parte the Commissioners for executing this Act, setting forth the title hereof, and without fee or reward; and shall, when so paid in, there remain until the same shall, by order of the said Court, made upon a petition to be preferred to the said Court in a summary way by the person who would have been entitled to the rents and profits of the said land, be applied in or towards the discharge of any such debt or other incumbrance affecting the same land, or any other land or property standing settled therewith, to the same or the like uses, trusts, intents and purposes as the said Court of Chancery or Exchequer shall authorize to be paid, or such part thereof as shall be necessary; or the same money shall, upon the like application, in a summary way, be laid out by order of the said Court, in the purchase of other land, which shall be conveyed, limited and settled, to, for and upon such and the like uses, trusts, intents and purpose, and in the same manner as the land which shall be so purchased, taken or used, or damaged or injured as aforesaid, stood settled or limited, or such of them as shall be then existing undetermined or capable of taking effect; and in the meantime, and until such order can be obtained, the said money may, by order of the said Court, upon application thereto, be invested by the said Accountant-General, in his name, in the purchase of any stocks, funds or annuities transferable at the Bank of Ireland; and in the meantime, and until the said stocks, funds or annuities shall be sold by order of the said Court for the purpose aforesaid, the dividends or annual produce thereof shall from time to time be paid to the person who would for the time being have been entitled to the rents and profits of such land so to be purchased, conveyed and settled.

Provided always, and be it Enacted, That if any money so adjudged or awarded to be paid for any land purchased, taken or used for the purposes aforesaid, or damaged or injured as aforesaid, belonging to any corporation, or to any person as last aforesaid, shall be less than the sum of Two hundred Pounds, and shall amount to or exceed the sum of Twenty Pounds, then and in all such cases the same shall, at the option of the person for the time being entitled to the rents and profits of the land so purchased, taken or used, or damaged or injured, or of his guardian or committee, in case of infancy, lunacy or other incapacity, to be signed in writing under their common seal or respective hands, (as the case may require), be paid into the Bank of Ireland in the name and with the privy of the said Accountant-General, and be placed to his account as aforesaid, in order to be applied in the manner hereinbefore directed; or otherwise the same may be paid, at the like option, and with the like approbation, to Two or more trustees;

42.  
When less  
than 200 l.  
and amount-  
ing to or  
exceeding  
20 l.

5 & 6 Vic,  
c. 33, s. 72.

to be nominated by the person who, for the time being, would be entitled to the rents and profits of the land so to be purchased, taken or used, or damaged or injured as aforesaid, such nomination to be approved of by the said Commissioners, and such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties; and the monies so paid to such trustees, and the dividends and produce arising thereon, may be applied by such trustees in like manner as is hereinbefore directed with respect to the money so to be paid into the Bank of Ireland, without being required to obtain any order of the Court of Chancery or Exchequer touching the application thereof.

43.  
When less  
than 20 £.  
§ 6 & 8 Vic.,  
c. 89, s. 79.

Provided also, and be it Enacted, That if any money so adjudged or awarded to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in every such case the same shall be paid to the person who would for the time being have been entitled to the rents and profits of the lands so purchased, taken or used, or damaged or injured, for the purposes of this Act, for his own use and benefit, or in case of infancy or lunacy or other incapacity, then to the person acting as guardian, committee or trustee of such person, to and for the use and benefit of the person entitled thereto.

44.  
The Court  
may order  
reasonable  
expenses of  
purchases to  
be paid by  
the Commis-  
sioners.

§ 6 & 6 Vic.,  
c. 89, s. 78.

And be it Enacted, That where, by reason of any disability or incapacity of any party entitled to any land to be taken, purchased or used, or in respect of which any compensation or satisfaction shall be payable under the authority of this Act, the purchase money for the same shall be required to be paid into the Bank of Ireland, to be applied in the purchase of other land, to be settled to the like uses, in pursuance of this Act, it shall be lawful for the said Court to order the expenses of all such purchases, or so much of such expenses as the said Court shall deem reasonable, together with the necessary costs and charges of obtaining such order, to be paid by the said Commissioners out of the monies to be received by virtue of this Act; and the said Commissioners shall from time to time pay such sums of money for such purposes as the said Court shall direct.

45.  
Premises to  
vest in the  
Commissioners, upon  
payment into  
Bank of the  
money agreed  
upon or  
assessed,  
when con-  
veyances  
cannot be  
obtained.

§ 6 & 6 Vic.,  
c. 89, s. 80.

And be it Enacted, That if any Corporation or person seized or possessed of, or having any estate or interest in any such land as aforesaid cannot be found, or shall not be known, or shall not prove a good title to such land, to the satisfaction of the said Commissioners or any person authorized by them, or shall refuse to execute a conveyance thereof, then and in every such case it shall be lawful for the said Commissioners to pay such sum of money as shall have been contracted and agreed or shall have been adjudged in manner aforesaid to be paid for the purchase or for the value of such land, into the Bank of Ireland, in the name and with the privity of the Accountant-General

General of the said Court of Chancery or Exchequer, to be placed to his account to the credit of the party interested in the said land (describing such land), or if such party shall not be known, then to the credit of the then unknown person interested in the said land (describing the same), subject to the order, control and disposition of the said Court, which said Court, on the application of any corporation or person making claim to such sum of money, or any part thereof, by motion or petition, shall be and is hereby empowered in a summary way of proceeding, or otherwise, as to the same Court shall seem fit, to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estate, title or interest of the corporation or person making claim thereto, and to make such order in the premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of Ireland who shall receive such sum of money is hereby required to give a receipt for such sum of money, and upon payment of such sum of money into the Bank as lastly hereinbefore is mentioned, the land for the purchase or for the value of which the same shall have been agreed and awarded to be paid, and the fee-simple and inheritance thereof, or other the absolute interest therein, together with the yearly profits thereof, and all the estate, right, title, interest, use, trust, property, claim and demand, in law and equity, of the corporation or person, or unknown person, to whose credit such money shall be paid, in, to and out of the land, shall vest in the said Commissioners, and they shall be deemed in law to be in the actual seisin or possession thereof, to all intents and purposes whatsoever, as fully and effectually as if every corporation or person having any estate in such land had actually conveyed the same; and such payments shall not only bar all right, title, interest, claim and demand of the corporation or person, or unknown person, of, in or to the same land, to whose credit such payment shall have been made, but also shall extend to and be deemed and construed to bar the dower of the wife of such person, and all estates tail and other estates in possession, reversion, remainder, expectancy or contingency, and the issue of such person, and every other person whomsoever.

Provided always, and be it Enacted, That where any question shall arise touching the title of any person to any money which shall be paid into the Bank of Ireland, in the name and with the privity of the Accountant-General of the said Court of Chancery or Exchequer, in pursuance of this Act, for the purchase of any land to be taken or purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the person who shall have been in possession of such land at the time of such purchase, and all persons claiming under such person or under the possession of such person, shall be deemed and taken to have been lawfully entitled to such land, until the contrary shall be shown to the satisfaction of the said Court;

15. D and

46.  
In cases of  
questionable  
title of  
persons in  
possession.  
5 & 6 Vic.  
c. 69, s. 81.

and the dividends or interest of the Bank Annuities or Government or Real Securities to be purchased with such money, and also the capital of such Bank Annuities or Government or Real Securities, shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such possession was a wrongful possession, and that some other person was lawfully entitled to such land, or to some estate therein.

47.  
Estate of  
mortgages to  
vest in Com-  
missioners on  
payment of  
principal and  
interest;  
5 & 6 Vic.,  
c. 82, s. 82.

or if such  
principal and  
interest  
exceed the  
value of the  
property,  
then on pay-  
ment of the  
value.

And be it Enacted, That if any person shall have any mortgage, or be entitled to any sum of money charged on any land taken or purchased under this Act, then, on payment of the principal and interest due thereon, or in case a part only of any land subject to such charge or mortgage be so taken or purchased, then a proportionate share of such principal and interest (to be ascertained, in case of dispute, in the manner hereinbefore provided for ascertaining the value of land taken or purchased for the purposes of this Act), to such mortgagee or person entitled thereto, or into the Bank of Ireland, for the use of the mortgagee or other person entitled thereto, all the estate of the said mortgagee or other person, and of every person in trust for him, in the land or the portion of land so taken or purchased, shall vest in the Commissioners, and they shall be deemed to be in the actual possession thereof, free from the same mortgage or charge, to all intents and purposes whatsoever: Provided always, That if the money and interest due in respect of any mortgage or charge on any land purchased or taken under this Act shall amount to more than the value of the premises charged therewith, or such of them or of such part thereof as shall be purchased or taken under this Act, then, upon payment to such mortgagee or person, or into the Bank, in manner hereinbefore mentioned, of the sum to be ascertained as the value of the estate or interest so mortgaged or charged on the land, or part thereof, so to be taken and purchased as aforesaid, all the estate of the said mortgagee or person as aforesaid, and of every person in trust for him, in the said land, or any part thereof, the value whereof shall have been so ascertained and paid as aforesaid, shall vest in the Commissioners, and they shall be deemed to be in the actual possession of the said lands, to all intents and purposes whatsoever, freed from such mortgage or charge as aforesaid; and the mortgagor or other person entitled to redeem shall be and is hereby barred and foreclosed from all right and equity of redemption of and in the same land, or portion of land.

48.  
Lien shall  
remain on  
premises not  
conveyed in  
proportion.  
5 & 6 Vic.,  
c. 82, s. 83.

And be it Enacted, That when any rent or any such charge, incumbrance or lien as aforesaid shall also be payable out of or extend over and be a charge, incumbrance or lien on any lands other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such case neither this Act nor any conveyance so made as aforesaid, shall in any respect discharge, affect or alter the force, validity or effect of such charge, rent, incumbrance or lien, so far as relates to such other lands, tenements or hereditaments,

hereditaments, but that as to all such the same shall respectively continue, be good, valid and subsisting, subject nevertheless to such reduction of rent (if any) as may be made in respect of such lands under the provisions herein contained.

- 5 And be it Enacted, That upon payment into the Bank of Ireland as herein directed, or upon payment or legal tender of any such sum of money as shall have been contracted for between the parties or adjudged in manner aforesaid, for the purchase of any land or as a recompense for the yearly produce or profits thereof, or as a compensation for damages as herein mentioned to the proprietor of such  
10 land, or to such person as shall be entitled thereto under any of the provisions herein contained, it shall be lawful for the said Commissioners or their agents, workmen or servants immediately to enter upon and use such land.

49.  
Power to enter and take possession of land, &c. on payment or tender of purchase-money.  
5 & 6 Vic., c. 88, s. 84.

- 15 Provided always, and be it Enacted, That if it shall seem expedient to the said Commissioners at any time or times within Six Months after any adjudication or contract shall be made, given or entered into under the provisions of this Act, not to take or injure the whole or any part of any land, or other matters or things named or described  
20 in such adjudication or contract, it shall be lawful for the said Commissioners to serve a notice upon or cause the same to be left at the usual place of abode of the person or persons who are or appear by the said adjudication or contract to be interested in such land, or other matters or things, stating that the same and what part thereof will not be taken  
25 for or injured by anything to be done under this Act; and the adjudication or contract mentioned in the said notice, or such part thereof as shall relate to the part not required to be taken or injured as aforesaid (at the option of the said Commissioners), shall be utterly void and of none effect, to all intents and purposes whatsoever;  
30 and in case a part only of any adjudication or contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the portion of the sum mentioned in such adjudication or contract which should be deducted on account of the part not required to be taken or injured, and if necessary apportion the residue among the persons  
35 entitled thereto; and the said Commissioners shall amend such adjudication or contract accordingly; and such amended adjudication or contract shall have all the force and effect, and shall be subject to the like appeal as any other adjudication or contract under this Act: Provided always, That in all cases where the Commissioners shall serve  
40 notice that it is not intended to take or injure the whole nor any part of such land, the person or persons interested in such land, and incurring any loss or expense in consequence of the Commissioners having previously required the same, shall be entitled to compensation for such loss and expenses, and in case the amount thereof cannot be

50.  
Commissioners may forego the taking of any land on serving a notice within Six Months from the time of contract or adjudication that the same will not be required.  
5 & 6 Vic., c. 88, s. 85.

*Proviso.*

agreed upon, the same shall be ascertained and taxed by the Assistant Barrister of the county in which such land shall be situate.

51.  
Commissioners may demise or lease lands purchased for any purposes calculated to improve the Fisheries.

And be it Enacted, That it shall be lawful for the said Commissioners to demise or lease to any company, corporation or person whatsoever for ever, or for any term that may be agreed upon, in such lots or divisions as to them may seem fit, any lands of which they may become possessed under the provisions of this Act, for the purpose or as a site for the erection of any market-house, drying-sheds, or other building of a public nature, or for the erection of curing-houses, or stores for salt and materials used in the trade of fishing; or for yards and slips for the making and repair of vessels and boats, or for ropewalks, and any other purposes in the opinion of the said Commissioners tending to promote and improve the Fisheries; and the said Commissioners shall reserve such rent for all lands so demised as to them shall seem fair and reasonable, and shall in every such lease require a covenant to be inserted, binding the party or person to whom such lease shall be made, to expend on such land, within a time to be in such lease limited, such sum in building or buildings, or otherwise, as to the said Commissioners shall seem fit, and to use the lands so demised for the special purpose for which it shall be demised, and no other, without the consent in writing of the said Commissioners, on pain of forfeiture of such demised premises.

*Security for  
Loans and  
Repayment.*

52.  
Commissioners to make an award upon completion of any of the Works.

8 & 6 Vic.,  
c. 89, s. 106.

And be it Enacted, That as soon as conveniently may be after any work for the purposes of this Act shall have been completed, the said Commissioners shall draw up, or cause to be drawn up, a final award or instrument in writing which shall describe the work or works which shall have been so completed; and such final award shall also specify the amount of the sums which shall have been expended in and about the works which shall have been executed, and all expenses incident thereto (including the interest of all borrowed monies), and the proportions of such sums which shall have been advanced by way of grant and by way of loan, towards payment of the total amount of the costs, charges and expenses of such works, or incidental thereto, and whether the monies advanced by way of loan, with interest, shall be repaid in one sum or by instalments, and if by instalments, then said award shall also specify the several instalments, and the manner by and in which such proportions shall be paid, and, regard being had to the circumstances of each particular case, and the final declaration made as before directed in respect thereof, the said award shall also specify the amount of such money advanced by way of loan, which shall be charged with interest upon the county or counties or district, or the lands of any proprietor or proprietors, or proportionally on such county, district or lands, or either or any two of them, as the case may be, and describing such county, district or lands respectively; and the said

said Commissioners shall also cause to be inserted in every such final award all such other determinations, matters and things, as the said Commissioners shall think necessary and proper, and the said Commissioners shall sign such award under their hands.

- 5 And be it Enacted, That every such final award, when settled and signed by the said Commissioners, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland, within *Three* Months after the same shall have been finally settled, and a copy thereof shall be deposited with the Clerk of the Peace of each county
- 10 in or near which such works shall be situate, who is hereby authorized and required to receive and deposit the same amongst the Records of the county; and such award, when so finally settled and enrolled, shall be binding and conclusive on all parties and persons whomsoever, and a copy thereof, certified by the proper officer of Her Majesty's
- 15 Rolls Office, shall be evidence that it was duly made, and that all the requisitions of this Act in relation thereto were complied with; and the said Commissioners shall, within *One month* after the said award shall be finally settled, cause such award to be printed and kept for sale, at a price not exceeding *Sixpence* for each printed copy thereof.

53.  
Award, when  
finally set-  
tled, to be  
deposited in  
the Court of  
Chancery.  
8 & 6 Vic.,  
c. 82, s. 108.

- 20 And be it Enacted, That any sum of money which under the final award of the said Commissioners shall be payable by any county in respect of monies advanced by way of loan, for or in respect of any work under the provisions of this Act, shall be payable by the Grand Jury of such county, and the secretary of the said Commissioners
- 25 shall certify to the secretary of such Grand Jury the amount of such sum of money, and the instalments and manner by and in which the same is payable under the award of the said Commissioners, and such Grand Jury is hereby required, without application to presentment session, to make presentment of the amount of such costs, charges and
- 30 expenses, or of the instalments from time to time payable in respect thereof, as stated in such certificate, together with interest thereon respectively, at a rate not exceeding *Five Pounds* per centum per annum from the date of such award, to be raised off the county at large; and in default of such presentment, the court at such assizes
- 35 shall order such amount or instalments, with interest as aforesaid, to be raised off such county, and such order shall have the force of a presentment, and the treasurer of such county shall insert such amount or instalments, with the interest thereon, as same shall be from time to time payable, in his warrant or warrants, and same shall be apportioned,
- 40 raised and levied, as if the same had been duly presented; and when and so soon as such amount or instalments as aforesaid, with the interest thereon, shall be raised and received by the treasurer of the county, such treasurer shall immediately pay the same to the said

54.  
Repayment of  
Loan, when  
payable by a  
county, to  
be raised by  
presentment.  
8 & 6 Vic.,  
c. 82, s. 112.

Commissioners, and the same shall be by them paid over and applied as hereinbefore directed in case of repayment of Loans.

55-  
Repayment  
of Loan when  
assessed upon  
a district.  
1 & 2 Vic.,  
c. 66.

And be it Enacted, That any sum of money which under such final award as aforesaid shall be payable as aforesaid by any district in respect of monies advanced by way of loan, for or in respect of any work under the provisions of this Act, together with interest on such sum at a rate not exceeding *Five Pounds* per centum per annum from the date of such award, shall be charged upon the occupiers of and other persons rateable in respect of lands and hereditaments within such district, and rated under the then last preceding rate or rates made, or from time to time made in respect of the same, under the provisions of an Act of the first and second years of Her present Majesty, intituled, "An Act for the more effectual Relief of the Destitute Poor in Ireland," and any Act amending the same, and shall be payable either in one sum or by instalments as specified in such award by the respective rate-payers, who under the said last preceding rate or rates shall have paid or contributed or been liable to pay or contribute rate in respect of property in such district, according to the several valuations and proportions according to which respectively such last preceding rate or rates shall have been so made, charged upon (and payable by the rate-payers in respect of) such lands or hereditaments respectively: Provided always, That any such sum of money or instalment thereof, with interest as aforesaid, shall be assessed and levied by the said Commissioners, as a poundage assessment equally upon the net annual value of the several lands and hereditaments within such district, rated as aforesaid, as such net annual value shall have been stated in such last preceding rate as aforesaid.

56.  
Copies of  
rate may  
be taken by  
the said  
Commissioners for  
purposes of  
this Act.

And be it Enacted, That for the purpose of ascertaining the rateable property and the rate-payers within any such district as aforesaid, it shall and may be lawful for the said Commissioners to apply to the guardians of the union or respective unions within which the respective lands, forming such district as aforesaid, shall be situate; and such respective guardians are hereby required to permit and suffer any person authorized by the said Commissioners to take a copy or copies of so much of any such last preceding rate or rates as aforesaid as relates to any of such lands or hereditaments within any such district; and in case any person or persons having the custody of any such rate or rates refuse to permit, or shall not permit, such person so authorized by the said Commissioners to take such copy or copies thereof or extracts therefrom respectively as aforesaid, the person or persons refusing or not permitting such copy or extract to be made shall for each and every such offence forfeit and pay any sum not exceeding *Five Pounds*.

1 & 2 Vic.,  
c. 66, s. 70.

And

57.  
Commissioners by  
warrant to  
appoint  
collectors,  
and recover  
assessment  
from district.

And be it Enacted, That it shall be lawful for the said Commissioners from time to time, by any warrant or warrants under their hands and seals, to appoint any person or persons whom they may think fit, to collect the several and respective sums of money payable  
5 as such assessment under the provisions aforesaid, in respect of the rateable property in any such district, which warrant or warrants shall specify the amount of money to be levied for the purposes of this Act, on the several and respective lands and hereditaments within such  
10 district, and the portion thereof to be paid by each occupier of rateable lands and hereditaments, or other persons liable to pay the same, according to such then last preceding rate; and on receipt of such warrant, such collector is hereby authorized and required to levy the money therein mentioned according thereto; and such money shall  
15 the same ways and means as any grand jury cess, or the money apportioned on the several persons liable to pay any grand jury cess, may be collected and levied.

1 & 2 Vic.,  
c. 56, s. 73.

And be it Enacted, That when any person occupying such lands or hereditaments within any such district shall be liable to pay a rent  
20 in respect of the same, he may deduct from such rent, for each pound of the rent which he shall be liable so to pay, *One-half* of the sum which he shall have paid as such assessment in respect of each pound of the net annual value (whether such rent shall be greater or less than such net annual value), and so in proportion for any less sum  
25 than a pound.

58.  
Proportion of  
assessment to  
be deducted  
from rent.  
1 & 2 Vic.,  
c. 56, s. 74.

And be it Enacted, That where any person receiving rent in respect of any such rateable property within such district shall also pay a rent in respect of the same, he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount  
30 of such assessment deducted from the rent received by him as the rent paid by him bears to the rent received by him: Provided always, That every lessor assessed instead of any occupier of rateable property shall be entitled to deduct from any rent paid by him in respect of such property a sum bearing such a proportion to *One-half* of the  
35 assessment on such property as the rent paid by him bears to the net annual value of such property.

59.  
Where more  
than one rent  
is paid.  
1 & 2 Vic.,  
c. 56, s. 75.

And be it Enacted, That any sum of money which, under any such final award, shall be payable as aforesaid by any proprietor of lands in respect of monies advanced by way of loan, for  
40 or in respect of any works under the provisions of this Act, together with interest for such sum at a rate not exceeding *Five Pounds* per centum per annum, from the date of such award, shall, from the date of the final declaration hereof directed to be made, be charged upon the lands of such proprietor or proprietors as  
15 specified

60.  
Repayment  
of Loan when  
charged upon  
lands of  
proprietors.

In case of  
nonpayment  
of money so  
charged,  
Commis-  
sioners may  
enter into  
receipt of  
rents and  
mortgage the  
land.  
5 & 6 Vic.  
c. 89, s. 111.

specified in such final declaration and award, and that in preference to and with priority over all charges and incumbrances on such lands, except quit-rent and rent-charge in lieu of tithe ; and if any sum of money so charged as aforesaid, or any instalment thereof, or any interest in respect thereof, shall remain unpaid for the space of *Three* 5  
calendar Months next after the time appointed for payment of the same by the said award, then it shall be lawful for the said Commis-  
sioners, or any person authorized by them, to enter upon the land charged with or liable to the payment of the sum of money or interest so in arrear, or any part thereof, but subject nevertheless to such quit- 10  
rent or rent-charge in lieu of tithes (if any) as aforesaid, and the rents and profits of such land to receive and take until thereby or otherwise the sum and interest so due (together with all costs and expenses attending or occasioned by such entry and receipt of the rents, profits and issues of such land) shall be fully paid and satisfied ; and it shall 15  
be lawful for the Court of Chancery or Exchequer in Ireland, upon the application by petition of the said Commissioners, to appoint a receiver of the rents, profits and issues of such land, which receiver shall have full power to receive the same rents, profits and issues, and apply the same, after deduction of the necessary expenses of the 20  
application to the said Court, and of such quit-rent or rent-charge in lieu of tithe issuing out of such lands and premises (if any), in payment of the sum and interest so due, until the same shall be fully paid ; and it shall also be lawful for the said Commissioners, if they shall 25  
so think fit, to raise such sum and interest, and all costs and expenses attendant thereon, by mortgage of such land, or a competent part thereof ; and every such mortgage, and every receipt given for the consideration money, shall be valid and effectual to all intents and purposes whatsoever ; and no mortgagee shall be bound to see to the application of his mortgage money, or to inquire whether the mortgage 30  
made by the said Commissioners is hereby authorized.

61.

Persons  
making de-  
fault in  
repaying  
principal and  
interest for  
Thirty-one  
Days, to pay  
1s. in the  
pound as  
Receiver's  
Fees.

And he it Enacted, That in any case where the lands of any pro-  
prietor shall be charged by such final award with any sum of money in respect of any Loan as aforesaid, then in addition to all and every the sums and interest so charged by such final award of the said Com- 35  
missioners upon such lands under the provisions of this Act, there shall be paid to the said Commissioners *One Shilling* in the pound on the total amount of the same respectively, as and for receiver's fees thereon to be charged, payable and recoverable in like manner as such sums and interest aforesaid : Provided always, That no party or 40  
person, or the lands or property of such party or person, shall be liable to such additional charge of *One Shilling* in the pound, who shall within *Thirty-one Days* next after the time appointed by any such award for the payment of any such sum and interest as aforesaid, pay the amount to the credit of the said Commissioners into the  
Bank

Bank of Ireland, or into such other bank as the said Commissioners shall for that purpose appoint.

And be it Enacted, That in any case where the lands of any proprietor shall be charged by such final award with any sum of money in respect of any loan as aforesaid, every occupier of any such land who, not being a proprietor thereof within the meaning of this Act, shall pay for the land in his occupation, on account of his landlord, any sum of money charged thereupon under and by virtue of the provisions of this Act, shall and he is hereby authorized to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; and the next immediate landlord of such occupier, if not himself a proprietor of such land within the meaning of this Act, shall and he is hereby authorized to make the like deduction from the rent payable by him, and so on each sub-lessee and sub-lessor of such land, not being a proprietor thereof within the meaning of this Act, being entitled to deduct the sum so charged upon such land, under or by virtue of this Act, from the rent payable to his next immediate landlord, until such deduction shall be made from the rent payable to a person being a proprietor within the meaning of this Act, who shall not be entitled to make any such deduction from the rent (if any) payable by him; and every such occupier, sub-lessee or sub-lessor paying any such sum of money, shall be acquitted and discharged of the sum so paid by him, as fully and effectually as if the same had been actually paid to his landlord (except where there shall or may be any lease or agreement to the contrary); but nothing herein contained shall extend or be construed to enable any occupier or lessee to deduct from his rent any costs or expenses incurred by non-payment of the monies hereby imposed or authorized to be levied.

62.  
Tenants  
paying  
rents on  
account of  
landlord to  
deduct them  
from rent.  
5 & 6 Vic.,  
c. 88, s. 113.

*Maintenance  
of Works.*

And be it Enacted, That all works constructed, altered, repaired or improved under the provisions of this Act, shall be vested in the said Commissioners and their successors, and shall be maintained, sustained, upheld and repaired by said Commissioners out of any tolls, rates or rents which, under the provisions of this Act, shall accrue to the said Commissioners for or in respect of such works, or the lands purchased by or vested in said Commissioners.

63.  
Works vested  
in Commis-  
sioners to be  
maintained  
out of tolls,  
rates and  
rents arising  
therefrom.

And be it Enacted, That all such harbours, piers, quays, loading-places and other works on the sea-coast of Ireland which have been heretofore within Forty-five Years made wholly or in part with public money, advanced for the purposes of the improvement of the Fisheries, as the said Commissioners shall deem fit, and still useful for the purposes of the Sea Fisheries, and with respect to which the said Commissioners shall give and publish such notice as hereinafter provided, shall, together with all ways, rights, members and appurtenances thereto belonging, be, and the same are hereby declared to be, public property,

64.  
Certain  
existing har-  
bours, piers,  
quays, works,  
&c. vested  
in Commis-  
sioners.

property, and the same shall from and after the expiration of *Twelve* calendar Months from the *passing of this Act*, be vested in the said Commissioners and their successors; and all the provisions in this Act contained with reference to the making of grants and loans for the construction of new works, and the several proceedings, matters and things in any manner relating thereto, shall be deemed and construed to apply and be applied, so far as the same may be applicable, to the first repair, alteration or improvement of such harbours, piers, quays, landing-places, and other works, as aforesaid; and after such first repair, alteration or improvement (if any), the same shall be maintained as any other work under this Act: Provided always, That the said Commissioners shall as soon as conveniently may be, and within *Twelve* calendar Months from the *passing of this Act*, by a notice or instrument in writing under their hands, declare and describe the several harbours, piers, quays, landing-places and other works which they shall so deem fit and useful for the purposes of the Sea Fisheries, and to be vested in the said Commissioners, and that a copy of such notice or instrument shall be published within such period of *Twelve* Months in the "*Dublin Gazette*," and in some one or more newspapers circulating in the neighbourhood of each such harbour, pier, quay, landing-place or other work, and also, if the said Commissioners deem fit, be posted at some public place at or near such harbour, pier, quay, landing-place or other work as aforesaid.

65.

Power to  
levy Tolls and  
Rates.  
6 & 7 W. 4.  
c. 105, s. 10.

And be it Enacted, That when and so often as any pier, harbour, quay, landing-place, engine, or other work shall have been constructed, either wholly or in part, or become vested in the said Commissioners under the provisions of this Act, it shall and may be lawful for the said Commissioners, and they are hereby authorized to levy or cause to be levied and paid, for the use of such pier, harbour, quay, landing-place, engine, or other work, such tolls and rates as the Commissioners of Her Majesty's Treasury shall from time to time approve of: Provided always, That the amount of such tolls and rates shall not exceed the probable average annual expense of maintaining and repairing such pier, harbour, quay, landing-place, engine, or other work, and of the contingent expenses to be incurred by the said Commissioners in relation thereto, and of the amount of interest at the rate of not less than *Five Pounds* per centum per annum on the capital, whether public or private, expended on such work: And provided further, That in case it shall appear to the said Commissioners that it would promote the public advantage that a greater amount of tolls or rates should be levied, under the provisions of this Act, for the use of any such pier, harbour, quay, landing-place, engine, or other work, or that such tolls or rates should be at any time increased with a view of thereby creating a fund for the improvement of such pier, harbour, quay, landing-place, engine, or other work, it shall be lawful for the said Commissioners and they are hereby authorized

Amount of  
Tolls.

Power to  
increase the  
tolls or rates  
for improve-  
ments.

riized to increase or to lower such tolls or rates to such extent and for such period as the said Commissioners shall from time to time direct, with the approbation of the Commissioners of Her Majesty's Treasury.

- 5 And be it Enacted, That the said Commissioners shall cause an account or list, printed or painted in large legible characters, of the several rates and tolls which the said Commissioners shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on boards in some conspicuous place,  
10 and continued and renewed as often as the same shall be obliterated or defaced, to, upon or near every work or building at which any such rates or tolls shall be collected or received.

66.

A list of the rates, tolls, &c. to be affixed in conspicuous places.  
5 & 6 Vic., c. 20, s. 64.

- And be it Enacted, That it shall be lawful for the said Commissioners, if they shall so think fit, by public bidding, from time to time to let,  
15 and from time to time to re-let, all or any of the tolls or rates payable under the provisions of this Act, for terms not exceeding *Ten* nor less than *Five* Years, on such conditions and with such security for payment of the rent reserved on such lease as the said Commissioners shall think fit, and the Commissioners of Her Majesty's Treasury shall from  
20 time to time approve: Provided always, That every such lease shall contain a covenant on the part of the lessee or lessees to keep such work in repair (so far as the ordinary wear and tear of such work may render necessary), and shall also contain a power of re-entry on the non-payment of such rent, or non-performance of such covenant for  
25 repairs, within *Three* calendar Months after the same shall become due, or after any breach of any such covenant, and a power to such Commissioners at any time to put an end thereto on giving *Three* calendar months' notice to the lessees or lessee thereof of an intention so to do: Provided always, That nothing in this Act contained shall be  
30 construed to extend to or affect any tolls already raiseable and payable or which shall hereafter be made raiseable or payable by virtue of the provisions of any Act passed before the passing of this Act.

67.

Power to let the tolls and rates.  
6 & 7 W. 4, c. 108, s. 11.

Covenants in leases.

- And be it Enacted, That the tolls payable under the provisions of  
35 this Act, or the rent payable upon any lease thereof, or the rents payable in respect of any lands let or leased by the said Commissioners under the provisions hereinbefore contained, shall be applied in manner following; (that is to say) first, in repairing and maintaining the pier, harbour, quay, or other work in respect of which or in  
40 respect of lands adjacent and in connexion with which such tolls or rents shall be payable; and, in the next place, in defraying all the contingent expenses of the said Commissioners in relation to such work; and the surplus of such tolls or rents shall be in the meantime  
15. E 2 invested

68.

Application of tolls and rents of lands.  
6 & 7 W. 4, c. 108, s. 12.

invested in public or Government securities, and suffered to accumulate so as to form a fund for the repair, re-construction or future improvement of such work; and such fund shall be applied for such purpose, at such time and in such manner as the said Commissioners shall from time to time direct, and the Commissioners of Her Majesty's Treasury shall from time to time appoint.

69.  
Power of  
enforcing  
payment of  
Tolls.  
6 & 7 W. 4,  
c. 100, s. 13.

And be it Enacted, That it shall be lawful for the said Commissioners, in cases in which such Tolls or Rates shall not be leased or let, and for the lessees or lessee of such Tolls or Rates if leased or let, from time to time to appoint sufficient collectors and officers or agents for the purpose of receiving the Tolls and Rates payable under this Act; and in case any person liable to pay such Tolls or Rates shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners, or for the lessees or lessee of the said Tolls and Rates, or their officer or agent or other person to whom such Toll or Rate ought to have been paid, to seize the vessel, goods, articles and things in respect of which such Tolls or Rates ought to have been paid, wherever the same may be found, and to detain the same until such Tolls or Rates, together with the reasonable costs and expenses of such seizure and detention, shall be paid; and if such vessels, goods, articles and things shall not be redeemed within *Twenty-one Days* after the seizure thereof, the same shall be appraised and sold, and after deducting the costs of such seizure, detention and sale, all such sums as shall be due in respect of such Toll or Rates shall be satisfied thereout, and the overplus paid to the owner in like manner as the law directs in cases of distress for rent in arrear.

70.  
Commissioners to  
make bye-laws.  
5 & 6 Vic.,  
c. 89, s. 120.

And be it Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from time to time to make such bye-laws, rules, orders and regulations, not being contrary to any law or statute in force in Ireland, as to them shall seem meet and proper, according to the circumstances of every case, for better carrying into effect the purposes of this Act or in any manner relating thereto, and from time to time to alter or repeal all or any of such bye-laws, rules, orders or regulations, and to make others, and to impose such fines and penalties, not exceeding the sum of *Five Pounds*, upon all persons offending against any of such bye-laws, rules, orders or regulations, as to the said Commissioners shall seem reasonable; and all such bye-laws, rules, orders and regulations shall be reduced into writing and signed by the said Commissioners or any *Two* or more of them; and a copy thereof, signed by the said Commissioners shall be deposited with the Clerk of the Peace of every county in or near to which any work to which such bye-laws shall relate shall be situate, and the same shall be kept with the records of the county; and a printed or painted copy of such of the

the said bye-laws, rules, orders or regulations, as shall subject any person, not being an officer or servant of the said Commissioners, to any fine or penalty, shall be exhibited on boards or otherwise at or near each work, and in such other places as to the said Commissioners  
 5 shall seem fit, and shall from time to time be renewed as often as the same or any part thereof shall be obliterated or destroyed; and such bye-laws, rules and orders shall be binding upon and shall be observed by all persons whomsoever: Provided that all such bye-laws, rules, orders and regulations be approved of and confirmed by the Lord  
 10 Lieutenant, or other Chief Governor or Governors of Ireland in Council, by writing under his or their hands.

Provided always, and be it Enacted, That in all cases of prosecution for any offence or offences against any of the bye-laws, rules, orders and regulations of the said Commissioners, the production of  
 15 a book or document purporting to contain the bye-laws, rules, orders or regulations of the said Commissioners, and authenticated by the signatures of any Two or more of the said Commissioners, shall be evidence of the existence of such bye-laws, rules, orders or regulations: Provided always, That in every such prosecution it shall be  
 20 proved that such printed or painted copy as aforesaid of such bye-laws, rules, orders or regulations was duly exhibited in manner hereinbefore directed.

And be it Enacted, That all and every person or persons whomsoever who shall at any time hereafter wilfully and maliciously cut,  
 25 break down, destroy or damage any work, engine or building, or any part thereof, which shall be erected and made for the purposes of this Act, or shall become vested in the said Commissioners, shall be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of Seven Years, or to be imprisoned for any term not exceeding  
 30 Two Years.

And be it Enacted, That if any person shall throw or deposit any ballast, gravel or other matter or thing into any harbour or precincts of any pier, quay, landing-place, or other work, so as to interrupt or  
 35 obstruct the free navigation to or from any work which shall have been constructed or improved by the said Commissioners under this Act, or shall, without the consent of the said Commissioners, lay any ballast, gravel, stones, dirt, rubbish, lime, timbers or clay on any of the banks, wharfs or landing-places of any of the works aforesaid,  
 40 or if any person shall maliciously open any lock, sluice, dam, gate or watercourse belonging to the said Commissioners, or shall so leave any of the same open, or shall raise any wall, building or other obstruction within or on such works or the lands of said Commis-  
 15. sioners

71.  
Copy of bye-laws to be evidence.  
5 & 6 Vic., c. 69, s. 101.

72.  
Persons destroying works guilty of felony.  
5 & 6 Vic., c. 69, s. 103.

73.  
Penalty on persons depositing ballast, &c. so as to obstruct navigation, &c.  
5 & 6 Vic., c. 69, s. 104.



Justices or Justice of the Peace for the county of  
 by virtue of the Act passed in the ninth year of the reign of  
 Her Majesty Queen VICTORIA, intituled, [here insert the title  
 of this Act, specify the offence, and the time and place when  
 and where the same was committed, as the case shall be]; and  
 we do adjudge that the said A.B. shall for the said offence

Given under our hands and seals [or,  
 my hand and seal] the day and year aforesaid."

And be it Enacted, That all penalties and forfeitures inflicted or  
 imposed by this Act, or incurred under the provisions or directions  
 thereof, and all sums payable for compensation or damage, the manner  
 of levying and recovering whereof is not hereinbefore otherwise par-  
 ticularly directed, may be recovered in a summary way by the order  
 and adjudication of some Justice of the Peace of the county in or  
 adjacent to which such offence shall have been committed, on com-  
 plaint to him for that purpose exhibited by the oath or affirmation  
 of any person, or on the confession of the party offending, which oath  
 or affirmation such Justice is hereby authorized to administer; and in  
 default of payment of such penalties or forfeitures, or sums for com-  
 pensation or damage, the same shall be levied by distress and sale of  
 the goods and chattels of the party making such default, by warrant  
 under the hand and seal of such Justice, rendering the overplus (if  
 any) on demand to the party whose goods and chattels shall be so  
 distrained, the reasonable charges of such distress and sale being  
 deducted; and in case such penalties or forfeitures shall be not forth-  
 with paid off, it shall be lawful for such Justice and he is hereby  
 authorized and required to order the offender so convicted to be  
 detained and kept in safe custody until return can be conveniently  
 made of such warrant of distress, unless the offender can give suffi-  
 cient security to the satisfaction of such Justice for his appearance  
 before such Justice, or before some other Justice of the Peace for the  
 county in or adjacent to which such offence shall have been committed  
 as aforesaid, on such day or days as shall be appointed for the return  
 of the warrant or warrants of distress, such day or days not being more  
 than Eight Days from the taking any such security, and which security  
 any Justice is hereby empowered to take by way of recognizance or  
 otherwise; but if upon the return of such warrant it shall appear that  
 no sufficient distress can be had whereupon to levy the penalty and such  
 costs as aforesaid, and the same shall not be forthwith paid, or in case  
 it shall appear to the satisfaction of such Justice, upon the confession  
 of the offender or otherwise, that he has no sufficient goods and  
 chattels whereupon such penalty, forfeitures, costs and expenses could  
 be levied (if a warrant of distress should be issued), such Justice shall  
 not be required to issue such warrant of distress; and thereupon it  
 shall be lawful for such Justice, and he is hereby authorized and  
 required,

77.  
*Recovery and  
 application  
 of penalties.  
 5 & 6 Vic.,  
 c. 38, s. 128.*

required, by warrant under his hand and seal, to commit such offender to any common gaol or house of correction, there to remain for any time not exceeding *Three* calendar Months, unless such penalties or forfeitures, and all costs and charges attending such proceedings as aforesaid, to be ascertained by such Justice shall be sooner paid and satisfied, or shall otherwise be discharged by due course of law; and such penalties and forfeitures when received shall be paid to the Commissioners aforesaid, and be by them applied to the purposes of this Act.

78.

Provision as to Petty Sessions, districts and counties.

5 & 6 Vic., c. 80, s. 138.

And be it Enacted, That wheresoever throughout this Act any act, matter or thing may be directed to be done at the petty sessions for the district, or by any Justice of the Peace for the county wherein any place may be situate, or offence may be committed respectively, the same shall and may be done at the petty sessions for the next adjoining district, or by any Justice of the Peace for the next adjoining county, in any case where such place shall not be included or offence committed in any district or county respectively; and whenever any work constructed or repaired by, or any work or lands vested in, the said Commissioners, under the provisions of this Act, shall not be situate in any county, such work or lands shall for the purposes of this Act be deemed and taken to be a part of the county to which or any part of which such work or land is next adjacent.

79.

Proceedings not to be quashed for want of form.  
5 & 6 Vic., c. 80, s. 139.

And be it Enacted, That any orders, convictions or other proceedings to be had or made by or before any Justice of the Peace by virtue of the powers granted by this Act, or any orders or proceedings to be had or made by, before or on behalf of the said Commissioners, or, in case of appeal, by or before the Assistant Barrister, shall not be quashed or vacated for want of form only.

80.

No action to be brought against person acting in execution of this Act until after notice, &c.  
5 & 6 Vic., c. 80, s. 140.

And be it Enacted, That no action, suit or information shall be brought, commenced or prosecuted by any person for anything done in pursuance of this Act, or in execution of the powers or authorities herein contained, unless notice in writing of such action, suit or information, specifying the ground or cause thereof, and signed by the attorney for the plaintiff, shall be given to the said Commissioners or persons against whom proceedings are intended to be commenced, at least *Twenty-one* Days before such action, suit or information shall be commenced.

81.

No action to be brought after tender of sufficient amends, &c.  
5 & 6 Vic., c. 80, s. 141.

And be it Enacted, That no plaintiff shall recover in any action to be brought against any Commissioners or any other person, for anything done in execution of the powers vested in them or him under this Act, if tender of sufficient amends shall be made by or on behalf of the Commissioners or person before such action is brought, and

and in case no tender shall have been made, it shall be lawful for the defendant in any action, by leave of the Court in which such action shall depend, at any time before issue joined, to pay into Court such sum of money as they or he shall think fit, whereupon such proceedings, order and adjudication shall be had and given in and by such Court as in actions where the defendant is allowed to pay money into the Court.

And be it Enacted, That if any action shall be brought against any person or persons as aforesaid for any act, matter or thing done by virtue of this Act, such person or persons may plead the general issue, and give the special matter in evidence.

82.  
General  
issue.  
5 & 6 Vic.,  
c. 33, s. 142.

And be it Enacted, That it shall be lawful for the Commissioners, from time to time, to adjourn any of the meetings to be held by them under this Act, to such time and place as they may think proper.

83.  
Power to  
Commissioners to  
adjourn  
meetings.  
5 & 6 Vic.,  
c. 33, s. 18.

And be it Enacted, That it shall be lawful for the said Commissioners, upon any inquiry or proceeding to be had before them under any of the provisions of this Act, to summon or examine upon oath or affirmation (which oath or affirmation the Commissioners are hereby empowered to administer) any person whomsoever; and if any person, having been so summoned before the said Commissioners to give evidence touching any matter to be inquired into under this Act, and having been paid or tendered a sufficient sum of money, to be ascertained by the said Commissioners, to defray the charges of his attendance, shall not appear before the said Commissioners, pursuant to such summons, without assigning some reasonable excuse for not appearing, or shall refuse to be sworn or to be examined and give evidence touching the premises, the said Commissioners, upon proof thereof upon oath, shall, and they are hereby authorized, by warrant under their hands and seals, to direct any person whomsoever to cause any sum of money, not exceeding *Five Pounds*, to be levied by distress and sale of the goods and chattels of the person so neglecting or refusing to appear or to be sworn and give evidence, rendering the overplus (if any), upon demand, to the person whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale; and the monies so to be levied as aforesaid shall be considered as part of the monies directed to be raised for carrying this Act into execution, and shall be applied accordingly; and all persons who shall wilfully give false evidence, or otherwise forswear themselves in any such examination, may be prosecuted for same, and upon conviction thereof shall be liable to the same pains and penalties as persons guilty of wilful and corrupt perjury are now liable to by law.

84.  
Persons sum-  
moned by  
Commissioners and  
refusing to  
give evi-  
dence to be  
punished.  
5 & 6 Vic.,  
c. 33, s. 124.

And be it Enacted, That the said Commissioners shall cause detailed accounts in writing of their proceedings under this Act, and of the several sums received by them as such Commissioners, and of the sums expended by them, and the mode of such expenditure, and of the several works made or in progress under this Act, to be made up to the Thirty-first day of December in each year; and such account shall be laid before both Houses of Parliament within *Thirty Days* thereafter if Parliament be then sitting, or within *Thirty Days* after the first meeting of Parliament subsequent to the Thirty-first day of December; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like accounts made up to such period as the said Commissioners of the Treasury shall direct.

86.  
Definition  
of terms in  
this Act.

And be it Enacted, That in the construction of this Act (except where the nature of the provision or the context of the Act shall exclude such construction), the word "land" shall extend to all arable, pasture, or otherwise profitable, and to all waste uncultivated land, whether bog land, or land covered with water, and shall also extend to messuages, tenements and other hereditaments, corporeal or incorporeal, and any estate or interest therein, and any undivided part thereof, and any charge or incumbrance thereon; and the words "sea" or "sea coast" shall extend to all places where the tide ebbs and flows; and the expression "Commissioners of Her Majesty's Treasury," or "Commissioners of the Treasury," shall mean the said last-mentioned Commissioners, or any Three or more of them; and the expression the "said Commissioners" shall mean the Commissioners for the execution of this Act, or any Two or more of them (except where otherwise provided); and the word "works" shall extend to or include all or any of the works by this Act authorized to be executed; and the words "person or persons," and the words "proprietor or proprietors" shall extend to all bodies politic, corporate or collegiate, and also all bishops, parsons and other ecclesiastical persons, as to lands held by them in those respective characters, and to any number of persons associated together as a company or partnership; and the word "county" shall extend and be applied to all counties, counties of cities, and counties of towns; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing, as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

87.  
Act may be  
amended,  
&c.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.